

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERTO O. DAVID & IMELDA D. DAVID,  
Plaintiffs,  
v.  
WELLS FARGO BANK, N.A. and E.M.C.  
MORTGAGE CORPORATION,  
Defendants.

No. C 09-1541 CW  
ORDER DIRECTING  
PLAINTIFFS TO FILE  
AN OPPOSITION

Defendant EMC Mortgage Corporation has moved to dismiss the complaint. Pro se Plaintiffs Roberto and Imelda David have not filed an opposition, which they were required to do by June 18, 2009.

Plaintiffs must file an opposition to EMC's motion by **July 2, 2009** or the complaint will be dismissed without prejudice for failure to prosecute. EMC's reply must be filed by July 9, 2009. The hearing scheduled for July 9, 2009 is vacated and will be rescheduled if the Court deems a hearing necessary. Otherwise, the motion will be taken under submission on the papers.

IT IS SO ORDERED.

Dated: 6/23/09

  
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CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO O. DAVID et al,

Case Number: CV09-01541 CW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

WELLS FARGO BANK et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 23, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Imelda D. David  
Roberto O. David  
127 Driftwood Cove  
Hercules, CA 94547

Dated: June 23, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California